

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**or Fax** (571)-273-2885

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless directed below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590

12/10/2008

Andover-IP-Law  
 Suite 300  
 44 Park Street  
 Andover, MA 01810

IE/22/EV06 RFEKA00000030 10674031

01 FC:2501  
 02 FC:1504

*Received*  
*DEC 12 2008*  
*Andover-IP-Law*

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

### Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Leslie R. Silverstein	(Depositor's name)
<i>Leslie R. Silverstein</i>	(Signature)
December 19, 2008	(Date)

APPLN. TYPE	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
nonprovisional	09/29/2003	Mark A. Saab	API-020US	4506
10/674,031	300.00 OP 30.00 OP			

TITLE OF INVENTION: APPARATUS AND METHODS FOR BONE, TISSUE AND DUCT DILATATION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	03/10/2009
EXAMINER		ART UNIT	CLASS-SUBCLASS			
CAMPBELL, VICTORIA P		3763	604-096010			

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 David Silverstein

2 Andover-IP-Law

3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent):  Individual  Corporation or other private group entity  Government

4a. The following fee(s) are submitted:

Issue Fee \$755.00 (small entity)

Publication Fee (No small entity discount permitted) \$300.00

Advance Order - # of Copies 10 (\$30.00)

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

A check is enclosed. \$1,085.00

Payment by credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 50-1139 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.  b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

*David Silverstein*

Date December 19, 2008

Typed or printed name David Silverstein

Registration No. 26,336

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

  
Practitioner's Docket No. API-020US

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Mark A. Saab et al.

Application No.: 10/674,031

Filed: September 29, 2003

Group No.: 3763

For: Apparatus and Methods for  
Bone, Tissue and Duct  
Dilatation

Examiner: Victoria P. Campbell

Batch No.

**Mail Stop Issue Fee**

Commissioner for Patents

P.O. Box 1450,

Alexandria, VA 22313-1450

**TRANSMITTAL OF PAYMENT OF ISSUE FEE (37 C.F.R. § 1.311)**

**NOTE:** Submission of a Transmittal of Payment of Issue Fee after issuance of the Notice of Allowance in an application does not result in a reduction in patent term adjustment under 37 C.F.R. § 1.704(c)(10). See Notice of May 29, 2001, 1247 OG 111-112, June 26, 2001.

**1. Applicant hereby pays the issue fee for the attached Issue Fee Transmittal PTOL-85.**

**NOTE:** 37 C.F.R. § 1.27(g): "(1) New determination of entitlement to small entity status is needed when issue and maintenance fees are due. Once status as a small entity has been established in an application or patent, fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any maintenance fee is due.

(2) Notification of loss of entitlement to small entity status is required when issue and maintenance fees are due. Notification of a loss of entitlement to small entity status must be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity as defined in paragraph (a) of this section is no longer appropriate. The notification that small entity status is no longer appropriate must be signed by a party identified in § 1.33(b). Payment of a fee in other than the small entity amount is not sufficient notification that small entity status is no longer appropriate."

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 \*

with sufficient postage as first class mail.

as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

**TRANSMISSION**

facsimile transmitted to the Patent and Trademark Office, (571) 273-8300.



Signature

Date: December 19, 2008

Leslie R. Silverstein

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(complete the following, as applicable)

2.  Applicant

- A. Asserted small entity status in this application on Sept. 29, 2003 (Date) by  
(complete the following, as applicable)

- payment of the basic  filing  national fee as a small entity (37 C.F.R. § 1.27(c)(3))  
 submission of a written assertion of small entity status (37 C.F.R. § 1.27(c)(1))

**WARNING:** "Payment of a fee in other than the small entity amount is not sufficient notification that small entity status is no longer appropriate." 37 C.F.R. § 1.27(g)(2).

(complete the following, as applicable)

- Applicant hereby notifies the Office, in accordance with the requirements of 37 C.F.R. § 1.27(g)(2), that it no longer has status as a small entity.  
 A "NOTIFICATION OF LOSS OF STATUS AS SMALL ENTITY" signed by an appropriate party as required by 37 C.F.R. § 1.27(g)(2) and § 1.33(b) is attached.  
 It is confirmed that small entity status for this application has been checked and it is still in effect and is being asserted.

B. Applicant hereby asserts small entity status for this application.

- An "ASSERTION OF SMALL ENTITY STATUS" signed by an appropriate party as required by 37 C.F.R. § 1.27(c)(2) is attached.

3. Fee:

Application status is:

	<u>Utility</u>	<u>Design</u>
<input checked="" type="checkbox"/> small business entity—fee	<input checked="" type="checkbox"/> \$700.00	<input checked="" type="checkbox"/> \$400.00
<input type="checkbox"/> other than a small entity—fee	<input type="checkbox"/> \$1,400.00	<input type="checkbox"/> \$800.00

4. Payment of fee:

- Attached is a  check  money order in the amount of \$1,085.00 (Issue Fee, Publ. Fee, + 10 Copies)  
 Authorization is hereby made to charge ~~XXXXXX-XXXX-XXXX-XXXX~~ any fee deficiency  
 to Deposit Account No. 50-1139  
 to Credit card as shown on the attached credit card information authorization form PTO-2038.

**WARNING:** Credit card information should not be included on this form as it may become public.

- Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.  
 A duplicate of this paper is attached.



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SIGNATURE OF PRACTITIONER

Reg. No.: 26,336

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David Silverstein

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(type or print name of practitioner)

Tel. No.: ( 978 ) 470-0990

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Andover-IP-Law

Customer No.:

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P.O. Address

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44 Park Street, Suite 300  
Andover, MA 01810